

STATEMENT OF THE CASE

Defendant-Appellant Richard Baker is appealing his conviction by a jury of the Class D felony of operating a vehicle while being a habitual traffic violator and the Class D felony of resisting law enforcement.

We affirm.

ISSUE

Baker states the issue as:

Whether the State presented sufficient evidence to prove that Richard Baker was guilty of operating a vehicle while being an habitual traffic violator and of resisting law enforcement.

FACTS

Officer Stroup was on patrol about 12:30 a.m., when he observed a gray Jeep pick-up driving along a county road. Stroup was aware of another officer making a stop in the same area, and he became suspicious that the actions of the Jeep driver might be to avoid that officer. Only one person was in the Jeep although Stroup could not see who it was. The driver drove erratically and Stroup, could not make out the license number, so Stroup turned on the police vehicles lights to make a routine traffic stop. The Jeep accelerated and Stroup activated his siren. A pursuit ensued involving a number of police officers, and the Jeep continually drove at 90 miles-per-hour and committed numerous traffic violations.

The Jeep turned onto a hilly and dirty road, which was private property. The Jeep lights were turned off, and the officers lost sight of the Jeep. After other officers arrived a search was made for the driver of the Jeep. A canine subsequently found Baker lying

on the ground. The Jeep had crashed into a tree on the driver's side and the passenger's door was open

Carrie Blount lived in one of the trailers on the property. She gave Baker money to buy milk and cereal on his trip to town. Baker got into the gray Jeep pick-up and drove away. About midnight she saw the Jeep fly over the hill with police in pursuit.

Three police officers testified at trial regarding three different excuses or alibis Baker gave as to why he was where he was found.

Additional facts will be disclosed as needed.

DISCUSSION AND DECISION

Our standard of review when considering the sufficiency of the evidence is well settled. *Morrison v. State*, 824 N.E. 2d 734, 742 (Ind. Ct. App. 2005), *trans. denied*. We will not reweigh the evidence or assess the credibility of witnesses. *Id.* Rather, we will only consider the evidence most favorable to the judgment, together with all reasonable inferences that can be drawn therefrom. *Id.* We will uphold a conviction if there is substantial evidence of probative value from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

Baker argues that he was not the driver of the Jeep. As Baker points out the evidence is subject to conflicting inferences:

The question, however, is whether the inferences supporting the judgment were reasonable, not whether there were other more reasonable inferences that could have been made. Reaching alternative inferences such as this is a function of the trier of fact, not this court. We cannot reverse the conviction merely because this inference [that Baker was not the driver of the Jeep] is a plausible one that might have been

drawn from the evidence. Triers of fact determine not only the facts presented to them and their credibility, but any reasonable inference from facts established either by direct or circumstantial evidence. It is not necessary that the court find the circumstantial evidence excludes every reasonable hypothesis of innocence. It need only be demonstrated that inferences may reasonably be drawn which support the finding of guilt

Brink v. State, 837 N.E. 2d 192, 197 (Ind. Ct. App. 2005), *trans. denied*. (Citations omitted.) Baker is asking the court on appeal to reweigh the evidence and judge the credibility of the witnesses, which we will not do.

As the State observes, Baker told Ms. Blount he was going to town. She gave him money to buy groceries for her. She saw Baker get into a gray Jeep and drive off. Officer Stroup tried to make an ordinary traffic stop, but the driver of a gray Jeep took off, resulting in a police chase that ended on the property where Ms. Blount had seen Baker drive off in a gray Jeep. Ms. Blount saw the Jeep about midnight when it went over a hill with the police in pursuit. The Jeep crashed into a tree, and the driver took off on foot. Baker was apprehended about fifty feet away from the Jeep.

CONCLUSION

The evidence is sufficient to support the verdict. Judgment affirmed.

SULLIVAN, J., and DARDEN, J., concur.